

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS FITZPATRICK *and* ARTHUR CAPUTO,
individually and behalf of all others similarly situated,

Plaintiffs,

-v-

BOSTON MARKET CORP.,

Defendant.

21 Civ. 9618 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

At today's conference, the Court:

- denied defendant's letter motion to transfer this case to the Eastern District of New York as related to *Fitzpatrick v. Boston Market Corp.*, No. 21 Civ. 5868 (ENV) (VMS) (E.D.N.Y.), finding the cases not related;
- directed the parties, by February 1, 2022, to file a letter setting out a briefing schedule for plaintiff's contemplated motion for class certification, and a schedule for discovery pertinent to class certification; and
- took notice that the parties disagree over whether defendant has preserved its right to request a jury trial; with consent of counsel, deferred resolution of that issue; and directed counsel to notify the Court when either party believes the time is ripe for that issue to be resolved.

The Court has approved and will issue the proposed case management plan, which will set next conference in this matter for June 27, 2022, at 2 p.m.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: January 28, 2022
New York, New York